

centage of butterfat, to wit, cocoa butter, which the said article purported to contain.

Misbranding was alleged for the reason that the statements, to wit, "Cocoa Powder Soluble A * * * Cocoa Containing A High Percentage of Butterfat," borne on the labels of the packages containing the article, concerning the article and the substances and ingredients contained therein, were false and misleading in that the said statements represented the article to be soluble, to wit, leaving no sediment, and to contain a high percentage of butterfat, to wit, a higher percentage of butterfat than ordinary cocoa powder, and for the further reason that the article was labeled as aforesaid so as to deceive and mislead the purchaser into the belief that it was soluble and contained a high percentage of butterfat, whereas, in truth and in fact, it was not entirely soluble so as to leave no sediment and was no more soluble than ordinary cocoa powder, and did not contain a high percentage of butterfat, and did not contain a higher percentage of or any more cocoa butter than ordinary cocoa powder.

On May 24, 1922, a plea of guilty to the information was entered on behalf of the defendant company, and the court imposed a fine of \$100.

C. F. MARVIN, *Acting Secretary of Agriculture.*

11405. Misbranding of canned clams. U. S. v. Sargentville Packing Co., a Corporation. Plea of nolo contendere. Fine, \$100. (F. & D. No. 16233. I. S. Nos. 5464-t, 5465-t, 5469-t.)

On June 30, 1922, the United States attorney for the District of Maine, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information against the Sargentville Packing Co., a corporation, Sargentville, Me., alleging shipment by said company, in violation of the Food and Drugs Act, as amended, in various consignments, namely, on or about March 17, April 2, and April 23, 1921, respectively, from the State of Maine into the State of Massachusetts, of quantities of canned clams which were misbranded. One shipment was labeled in part: "Jack Rose Brand Clams * * * Contents 8 Oz." The other shipment was labeled in part: "Gold Coin Brand * * * Clams * * * Guaranteed By Thorndike & Hix, Inc. To Comply With All Food Laws 5 Oz. Clam Meat 4 Oz. Clam Nectar 9 Oz. Total Weight Packed By Thorndike & Hix, Inc. Rockland, Maine."

Examination of 12 cans of the Jack Rose brand by the Bureau of Chemistry of this department showed an average of 6.7 ounces of clam meat. Examination of 12 cans of the Gold Coin brand by said bureau showed an average of 4.5 ounces of clam meat.

Misbranding of the article was alleged in substance in the information for the reason that the statements, to wit, "Contents 8 Oz." and "5 Oz. Clam Meat," borne on the cans containing the respective brands of the said article, were false and misleading in that the said statements represented that each of the said cans contained 8 ounces or 5 ounces, as the case might be, of the said article, and for the further reason that the article was labeled as aforesaid so as to deceive and mislead the purchaser into the belief that each of said cans contained 8 ounces or 5 ounces of the article, as the case might be, whereas, in truth and in fact, the said cans did not contain the quantity so declared on the said label but did contain a less quantity. Misbranding was alleged for the further reason that the article was food in package form, and the quantity of the contents was not plainly and conspicuously marked on the outside of the package, since the quantity was incorrectly stated.

On February 8, 1923, a plea of nolo contendere to the information was entered on behalf of the defendant company, and the court imposed a fine of \$100.

C. F. MARVIN, *Acting Secretary of Agriculture.*

11406. Misbranding of assorted jams. U. S. v. 171 Jars of Assorted Jams. Default decree of condemnation, forfeiture, and sale. (F. & D. No. 16872. I. S. Nos. 1330-v, 1331-v, 1332-v, 1333-v. S. No. E-4195.)

On October 17, 1922, the United States attorney for the Eastern District of Virginia, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying the seizure and condemnation of 171 jars of assorted jams, remaining unsold in the original packages at Norfolk, Va., alleging that the article had been shipped by the S. J. Van Lill Co., Baltimore, Md., on or about August 2, 1922, and transported from the State of Maryland into the State of Virginia, and charging misbranding in violation of the Food and Drugs Act, as amended. The article was labeled in part: "Table Delicacies Pure Fruit Jam Blackberry-